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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,738	03/22/2005	Yukihiro Hanaoka	24530-008/MXM	6966
32137 7590 01/06/2009 PATENT DOCKET CLERK COWAN, LIEBOWITZ & LATMAN, P.C. 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER LOWE, MICHAEL S				
ART UNIT 3652		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,738

Applicant(s)

HANAOKA, YUKIHIRO

Examiner

Michael Scott Lowe

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/8/08 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motoda (US 4,588,341) in view of Araake (GB 2337325A), Hoflinger (US 5,103,087) and Fisher (US 4,701,096).

Re claim 1, Motoda teaches a stocker apparatus (generally 1) comprising:
a first tray stock section (generally 11 or 16) capable of stocking a plurality of empty trays 20;
a second tray stock section (generally 11 or 16) capable of stocking a plurality of loaded trays 20, the loaded trays being the empty trays loaded with products (not numbered);
tray supporting means (generally 12,14,31,34,etc.) provided in said first tray stock

section and said second tray stock section respectively for supporting the trays 20; lifting and lowering means for lifting and lowering said tray supporting means; and carrier means (generally 32) for carrying the loaded tray to said second tray stock section when the products are loaded on the empty tray existing in said first tray stock section, said apparatus further comprising an outer wall constituting member (not numbered) covering at least side surfaces and upper surfaces of said first trays stock section and said second tray stock section to separate said first tray stock section and said second tray stock section from an external atmosphere;

an opening (generally 16 or 11) provided at an upper portion of said first tray stock section, said opening allowing the products to be carried in therethrough. Motoda is silent regarding an ionizer or air cleaning means. Hoflinger teaches blowing air opposite to a product conveying direction in order to better remove dust (column 1, line 68 - column 2, line1). Fisher teaches a space between an inner wall side surface and outer wall plate for routing air to an outside exhaust fan (blower). Araake teaches an ionizer (generally 5) provided near an opening, said ionizer jetting ionized air to the products carried in through said opening, and an air cleaning means (generally 10,6,etc.) provided at an upper portion (relative term) of said second tray stock section, said air cleaning means cleaning outside air and then introducing the air into said second tray stock section in order to keep the inside of the device cleaner and free of dust. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Motoda by the general teaching of Araake, Hoflinger and Fisher to have an ionizer provided near the opening, said ionizer jetting ionized air to the

products, opposite to a product conveying direction in order to better remove dust, the air carried in through said opening, and an air cleaning means provided at an upper portion of said second tray stock section, said air cleaning means cleaning outside air and then introducing the air into said second tray stock section in order to keep the contents of the stocker cleaner and free of dust, and a space between an inner wall side surface and outer wall plate in order for routing the air to an outside exhaust fan.

Claims 2,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoda (US 4,588,341) in view of Araake (GB 2337325A), Hoflinger (US 5,103,087), Fisher (US 4,701,096) and Schell (US 3,951,228).

Re claim 2, Motoda teaches said outer wall constituting member includes a frame (not numbered), a panel member (not numbered) and a pad (not numbered) but is silent regarding an elastically deformable sealing member. Schell teaches an enclosed, framed and paneled device with an elastically deformable sealing member (seal, grommet, generally 100,102,103,104,etc.) abutting on the frame in a longitudinal direction thereof, a panel member (various) abutting on the sealing member, and a pad member (various) abutting on the panel member in a manner to cover an outer edge thereof and fixedly attached to the frame member to thereby elastically hold the panel member with the sealing member therebetween in order to reduce noise, vibrations, leaks and keep proper compression of various elements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Motoda by the general teaching of Schell to have an enclosed, framed and paneled

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device with an elastically deformable sealing member abutting on the frame in a longitudinal direction thereof, a panel member abutting on the sealing member, and a pad member abutting on the panel member in a manner to cover an outer edge thereof and fixedly attached to the frame member to thereby elastically hold the panel member with the sealing member therebetween in order to reduce noise, vibrations, leaks and keep proper compression of various elements.

Re claim 5, Motoda teaches a stocker apparatus (generally 1) comprising:
a first tray stock section (generally 11 or 16) capable of stocking a plurality of empty trays 20;
a second tray stock section (generally 11 or 16) capable of stocking a plurality of loaded trays 20, the loaded trays being the empty trays loaded with products (not numbered);
tray supporting means (generally 12,14,31,34,etc.) provided in said first tray stock section and said second tray stock section respectively for supporting the trays 20;
lifting and lowering means for lifting and lowering said tray supporting means;
and carrier means (generally 32) for carrying the loaded tray to said second tray stock section when the products are loaded on the empty tray existing in said first tray stock section, said apparatus further comprising an outer wall constituting member (not numbered) covering at least side surfaces and upper surfaces of said first trays stock section and said second tray stock section to separate said first tray stock section and said second tray stock section from an external atmosphere;
an opening (generally 16 or 11) provided at an upper portion of said first tray stock section, said opening allowing the products to be carried in therethrough. Motoda is

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silent regarding an ionizer or air cleaning means. Araake teaches an ionizer (generally 5) provided near an opening, said ionizer jetting ionized air to the products carried in through said opening, and an air cleaning means (generally 10,6,etc.) provided at an upper portion (relative term) of said second tray stock section, said air cleaning means cleaning outside air and then introducing the air into said second tray stock section in order to keep the inside of the device cleaner and free of dust. Hoflinger teaches blowing air opposite to a product conveying direction in order to better remove dust (column 1, line 68 - column 2, line1). Fisher teaches a space between an inner wall side surface and outer wall plate for routing air to an outside exhaust fan (blower). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Motoda by the general teaching of Araake, Hoflinger and Fisher to have an ionizer provided near the opening, said ionizer jetting ionized air to the products, opposite to a product conveying direction in order to better remove dust, the air carried in through said opening, and an air cleaning means provided at an upper portion of said second tray stock section, said air cleaning means cleaning outside air and then introducing the air into said second tray stock section in order to keep the contents of the stocker cleaner and free of dust, and a space between an inner wall side surface and outer wall plate in order for routing the air to an outside exhaust fan. Motoda teaches said outer wall constituting member includes a frame (not numbered), a panel member (not numbered) and a pad (not numbered) but is silent regarding an elastically deformable sealing member. Schell teaches an enclosed, framed and paneled device with an elastically deformable sealing member (seal, grommet,

generally 100,102,103,104,etc.) abutting on the frame in a longitudinal direction thereof, a panel member (various) abutting on the sealing member, and a pad member (various) abutting on the panel member in a manner to cover an outer edge thereof and fixedly attached to the frame member to thereby elastically hold the panel member with the sealing member therebetween in order to reduce noise, vibrations, leaks and keep proper compression of various elements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Motoda by the general teaching of Schell to have an enclosed, framed and paneled device with an elastically deformable sealing member abutting on the frame in a longitudinal direction thereof, a panel member abutting on the sealing member, and a pad member abutting on the panel member in a manner to cover an outer edge thereof and fixedly attached to the frame member to thereby elastically hold the panel member with the sealing member therebetween in order to reduce noise, vibrations, leaks and keep proper compression of various elements.

Claims 3,4, are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoda (US 4,588,341) in view of Araake (GB 2337325A), Hoflinger (US 5,103,087), Fisher (US 4,701,096) and further in view of Selusnik (US 3,974,922).

Re claim 3, Motoda teaches said lifting and lowering means may be any type of lift means (column 5, line 41). Selusnik teaches a tray lifting device (generally figure 3) with each of lifting and lowering means having four annular belts (generally 26) for supporting each of tray supporting means (generally 6,30) at four points, the annular

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belt being formed by superposing one end on another end of a straight belt having both the ends and fixedly holding the ends by a both end fixing member (general property of chain belts and the inherent connections between links, shown in figures), and the both end fixing member being located outside a winding round (various generally 22,24 area) of the annular belt in order to support heavier weights/trays and move at a faster speed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Motoda by the teaching of Selusnik to have each of lifting and lowering means having four annular belts for supporting each of tray supporting means at four points, the annular belt being formed by superposing one end on another end of a straight belt having both the ends and fixedly holding the ends by a both end fixing member, and the both end fixing member being located outside a winding round of the annular belt in order to support heavier weights/trays and move at a faster speed.

Re claim 4, Motoda as already modified by Selusnik teaches the straight belt being a straight toothed belt, and one end side or another end side of the straight toothed belt bent 180 degrees and then the one end side and the other end side are superposed and fixedly held by the both end fixing member.

Conclusion

Applicant's arguments filed 10/8/08 have been fully considered but they are not persuasive. Applicant argued that Hoflinger does not blow an air flow opposite to the direction of product transport. However Hoflinger (column 1, line 68 - column 2, line 1) does teach this.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., completely removing contaminants & dust) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Scott Lowe whose telephone number is (571)272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Michael Scott Lowe/

Primary Examiner, Art Unit 3652